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U.S. BANKRUPTCY
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--------------------------------------|--|
| IN RE: |) Case No. 22-20324-GLT |
| David A. Golupski, and |) |
| Maureen Y. Golupski, |) Chapter 11 (Subchapter V) |
| Debtors, |) |
| Thomas J. Lewis and Georgette |) Related to Doc. No. 162 and 165 |
| A. Lewis, |) |
| Movants, |) Hearing Date: 11/03/22 @ 11:00 a.m. |
| v. |) |
| David A. Golupski and Maureen |) Response Due: 11/02/22 by 4:00 p.m. |
| Y. Golupski; PNC Bank, NA; |) |
| Newtek Small Business Finance LLC; |) |
| The Office of the Lee County Tax |) |
| Collector; and Fla Dep't of Revenue, |) |
| Respondents. |) Document No. |

**ORDER TERMINATING CHAPTER 11 SALE OF PROPERTY
AND RESERVATION OF RIGHTS**

AND NOW, this 2nd day of November, 2022, on consideration of the ***Motion Seeking Clarification of, or Relief From, Court Order and Authorization to Pursue Rights and Remedies in Accordance with All Contractual Terms*** (the "Motion") filed by Thomas J. Lewis and Georgette Lewis, and colloquy with their legal counsel and Debtors' legal counsel, the Court hereby finds that the Lewises and the Debtors have agreed to terminate the sale that this Court approved by Court Order entered on September 9, 2022 (Doc. #124), and that the sole remaining dispute between the Lewises and the Debtors shall be limited to whether the Lewises are entitled to the return of their \$10,000 deposit or whether the Debtors are entitled to retain it as liquidated damages as a result of the termination of the Contract. Accordingly, it hereby

ORDERED, ADJUDGED, AND DECREED, that the Contract (as defined in the Motion) shall be and hereby is terminated; and it is further

ORDERED, ADJUDGED, AND DECREED that the sole remaining issue to be decided by this Court is whether the Lewises are entitled to the return of their \$10,000 deposit (the "Hand Money") or whether the Debtors are entitled to retain it as liquidated damages as a result of the termination of the Contract. This order is without prejudice to either party as to the Hand Money in connection with this sale. Each party reserves their rights to retain the Hand Money and/ or their defenses as to the forfeit the Hand Money; and it is further

ORDERED, ADJUDGED, AND DECREED that this Court shall schedule an evidentiary hearing to resolve the aforementioned sole remaining issue.

IT IS FURTHER ORDERED that Hearing on the Expedited Motion Seeking Clarification of the Sale Order (Doc #147), scheduled for November 3, 2022 at 11:00 am is cancelled.

This Order survives any dismissal or conversion of the within case.

By the Court,

Dated: 11/2/22


Chief Judge Gregory L. Taddonio
United States Bankruptcy Judge

CONSENTED TO:

BY: /s/ Donald R. Calaiaro
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Counsel for Debtors/Respondents

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Counsel for Movants

In re:
David A. Golupski
Maureen Y. Golupski
Debtors

Case No. 22-20324-GLT
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Nov 02, 2022

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 04, 2022:

| Recip ID | Recipient Name and Address |
|----------|--|
| db/jdb | + David A. Golupski, Maureen Y. Golupski, 5101 Carnoustie Drive, Presto, PA 15142-1507 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 04, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 2, 2022 at the address(es) listed below:

| Name | Email Address |
|---------------------|---|
| Beverly Weiss Manne | on behalf of Creditor Advance Business Capital LLC dba Triumph Business Capital bmanne@tuckerlaw.com, bewmanne@aol.com, jrusnack@tuckerlaw.com |
| Brian Nicholas | on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com |
| Courtney Helbling | on behalf of Creditor Advance Business Capital LLC dba Triumph Business Capital chelbling@tuckerlaw.com |
| Donald R. Calaiaro | on behalf of Joint Debtor Maureen Y. Golupski dcalaiaro@c-vlaw.com, kmosur@c-vlaw.com, ssimmons@c-vlaw.com, jadam@c-vlaw.com, apratt@c-vlaw.com, mpeduto@c-vlaw.com, mlocke@c-vlaw.com, eballa@c-vlaw.com |
| Donald R. Calaiaro | |

District/off: 0315-2

User: auto

Page 2 of 2

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Total Noticed: 1

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Jeffrey Hunt

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Jeffrey R. Hunt

on behalf of Creditor Chartiers Valley School District jhunt@grblaw.com

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John J. Winter

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TOTAL: 22